G. R. S. App. F. IX-4]

194

Tamil File No. 345-42

Previous References.

(Tamil)

Serial Nos. 1-3

Later References.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. three only

Part B for Tamil

SUBJECT.

Amendment to order XXVIII to the First Schedule to Cpt

STATEMENT OF OBJECTS AND REASONS.

Rules 10 and 11 of Order XXXIII of the First Schedule to the Code of Civil Procedure, 1908, prescribe the classes of pauper suits in which court-fees may be recovered by the Provincial Government. In a case before the Madras High Court it has been pointed out that the provisions contained in these rules do not enable the Provincial Government to recover court-fees where the suit abates by reason of the death of the sole plaintiff or one of several co-plaintiffs. This lacuna the present Bill proposes to fill.

Where an order is made under rule 10 or rule 11 of Order XXXIII the Court sends a copy of the decree to the Collector who then takes out execution proceedings in Court for the recovery or the amount due to Government. Such execution proceedings are often protracted by the exercise of evasive tactics. In order to provide a less expensive and more effective and expeditious mode of recovery, it is proposed to amend Order XXXIII to enable Government to recover court-fees awarded to it in pauper suits as if the amount of such awards were arrears of land revenue.

NEW DELHI;
The 27th August, 1942.

S. SULTAN AHMED.

M. N. KAUL,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA

LEGISLATIVE ASSEMBLY DEPARTMENT

The following Bill was introduced in the Legislative Assembly on the 14th September, 1942 :—

L. A. BILL No. 33 OF 1942.

A Bill further to amend the Code of Civil Procedure,

WHEREAS it is expedient further to amend the Code of Civil Procedure, ~~1908~~ 1911, for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1. This Act may be called the Code of Civil Procedure (Amendment) Act, 1942. Short title.

2. In Order XXXIII in the First Schedule to the Code of Civil Procedure, ~~1908~~ 1911,— Amendment of Order XXXIII

(*a*) after rule 11, the following rule shall be inserted, namely :—

"11A. Where the suit abates by reason of the death of the plaintiff or of any person added as a co-plaintiff the Court shall order that the amount of court-fees which would have been paid by the plaintiff if he had not been permitted to sue as a pauper shall be recoverable by ~~the Provincial~~ Government from the estate of the deceased plaintiff." Procedure where pauper suit abates.

(*b*) in rule 12, for the words and figure "or rule 11" the words, figures and letter "rule 11 or rule 11A" shall be substituted ;

(*c*) in rule 13, after the word and figure "rule 11" the word, figure and letter "rule 11A" shall be inserted ;

(*d*) for rule 14, the following rule shall be substituted, namely :—

"14. Where an order is made under rule 10, rule 11 or rule 11A the Court shall forthwith cause a copy of the decree or order to be forwarded to the Collector, who may, without prejudice to any other mode of recovery, recover the amount of court-fees specified therein from the person or property liable for the payment as if it were an arrear of land revenue." Recovery of amount of court-

4) Submitted with a draft

CPM
8/10

5) Read instructions to draft a Bill and the statements of objects and reasons

CPM
9/10

Contd.

6) The L. A. Bill No 33 Of 1942 of the Govt Of India proposes to amend Rules 11 to 14 Of order XXXIII of the First Schedule to the Code of Civil procedure.

7) So far as the Mysore Code of Civil procedure is Concerned, the following facts are submitted for Consideration

In pursuance of Section 128 of the Code of Civil procedure (Mysore), the High Court of Mysore may from time to time after previous publication, make rules regulating its own procedure and the procedure of the Civil Courts subject to its superintendence and may by such rules annul, alter or add to all or any of the rules in the First Schedule.

Any proposal in such matters will be referred to the Rule Committee by the High Court and according to Section 124 of the said code the Rule Committee shall make a report to the High Court on any proposal to annul, alter or add to the rules in the First Schedule or to make new rules and before making any rules under Section 128 the High Court shall take such report into Consideration

Rules made under the foregoing provisions shall be subject to the previous Sanction of Govt.

amendment to order XXXIII of the First Schedule of CPC

In view of the foregoing provisions of the Mysore Civil Procedure Code, there does not appear to be any necessity to give effect to the proposed amendments to order XXXIII of the First Schedule to the Code by means of legislation. If the High Court are of opinion that these amendments are necessary, they will perhaps refer the matter to the Rule Committee and after receiving the report from that Committee, they will publish it in Gazette and address Govt thereafter for sanction.

(9) It is therefore for orders as to whether the High Court may be consulted with regard to the amendments in question.

(10) The draft in the file is resubmitted for orders

(11) [Cts Cell[n] No 72-42-142 relating to the amendment to Rule 57(2) of order XXI of C.P.C is placed below for reference from which it can be seen that amendments to rules are very sanctioned by Govt by means Govt orders]

Flag L

CPC 17/10

3

BEOY. LAW DEPT. 4403

2262 Amendment to order XXXIII to the First Schedule

15 Part IV of the Govt. of India Gazette Dt 10.10 1942 is submitted herewith as directed

Kind reference is invited to page 44 of Ibid Gazette Containing Act No XXIV of 1942

A revised draft is also put up as directed

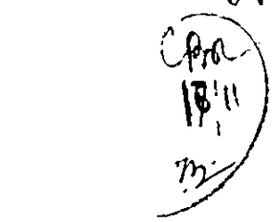
14 The Hon'ble Court may be consulted in this matter.

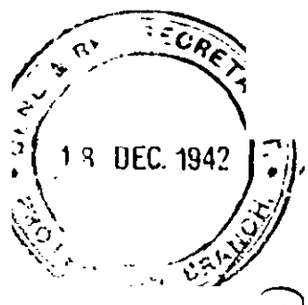
Law Secretary 3 17/12/42

15 - Accs

16 fm 3 17-12-42

17/12/42





Id No. P. 4907 dated 15.12.43 to the Regr. H.C. inviting reference to pages of part IV of the Gazette of India and Suggesting for the amendment of order XXXIII of the First Schedule to the Code of Civil Procedure as in force in Mysore.

Letter No R.O.C 887 dated 17.2.1943 from the Registrar, High Court, Bangalore.

Furnishes the views of the High Court in the matter.

1) The Registrar has stated that the question adding a rule to Order XXXIII, will be referred to Rule Committee and that the other question about providing for the security of Court fee in a pauper suit allowed to sand Realised by sale, will have to be dealt with by legislation as the High Court has no power in this behalf

4853/42

Subject with reference to Annexure 1 - 2 Supra

18) As regards the recovery of Court Fee in Pauper suits as an arrear of Land Revenue - the High Court may be asked to give their opinion on the matter & if they agree to such a recovery, a draft of the section may be prepared & submitted to Govt for sanction

Law Secretary) 3/18/2/43

19) Legislative Section will prepare a draft for Legislation

Law 16-2-43

Home Secy
Legislative Secy
Law) 3/19/2/43

19.2.43

BOKR
19.2.43

Serial No.

26) Bombay Sudan Act XXIV of 1942 amends order XXXIII C.P.C. in 2 impt Particulars.

1. Providing for recovery of Court fees when pauper suit abates by death of pauper Plaintiff, from estate of Plff.

2. recovery of Court fee as arrear of land revenue

The High Court have stated that the Rule Committee will be referred to the 1st point, and add that legislative action is necessary regarding the second.

21) It is submitted that the new rule 14 relating to point no 2 above has to refer to the new rule 11A. It is desirable for order if a Comprehensive ~~Draft~~ draft may be put up on the lines of Act XXIV or if action by the High Court to frame rule 11A may be awaited before drafting a Bill only for the limited purpose of point no 2 above

23.2.43

Leo
R.A.L.C.

22) I think the framing of the new rule 11A of the High Court may be awaited before preparing the Bill to enable the Govt to recover the institution fee as an arrear of land revenue.

2(g) The Pr (Comrs for) may be requested to intimate when the order under Consideration has been received from the High Court for appeal if any to enable this Section thereafter to take legislative action

24.2.43.

For kindly furnishing the information.

BDN: 24/2 Supdt Pro Branch)

Mr Cohen 25/2

Recd 26/2

as no proposals have been received the High Court It is stated that the question will be referred to the Rule Committee

b) It will take a long time for the High Court to forward proposals in this behalf It is assumed from the notes in paras 20-24 that the necessary action will be taken in the Legis Section only after the receipt of the proposals of the High Court in regard to the addition to order XXXIII of the C.P.C.

c) It is for the orders as to whether the proposals of the High Court may be awaited

c) The framing of the new Rules by the Single

for Dy 27/2/43

OFFICE OF THE MINISTER
FOR EDUCATION
Date 12.3.43
No. 4892

9-3-43

13-3-43

From
The Registrar High Court
NO Rec 881/42-43 of 12.7.1943
Requests Sanction to amend order XXXIII
of the First Schedule to C.P.C as set out
in the appended Statement to the High Court
letter so as to provide for recovery of Court fee
in a pauper Suit which abates by Reason of
the death of the plaintiff.

Submitted With a draft of a G.O. Sanctioning
for approval or Other orders.
2) Kind reference is invited to Dewan's
Minute in para 1 of the Notes and also to

Amendment to Rule XXXIII of I Schedule C.P.C.

decisions in paras 22-23 and 28-30 of the Notes

May be approved
Law Secretary
7/8/43

May be approved
10-8-43

Rule 11-8

Office of the Rev & Law
11 AUG 1943
No. 833

If approved, the draft in the file may be

The Registrar High Court,
No P 1113 A/43 16-8-43.

Sanctions the proposed Amendment to the rule XXXIII of Sch. I Schedule of the Civil Procedure Code 1911.

Submitted with a draft of G.O. herewith for approval or other orders.

Minute in para 1 of the Notes may be

Sir

I am directed to invite
reference to page 44
of part IV of the Gazette
of India embodying Act
No XXIV of 1942 amending
the Code of Civil Procedure
(order XXXIII of the First
Schedule to the Code) and
providing for the recovery
by Govt of Court fees
awarded to it in pauper
Suits and to ~~Request~~ request
that, if the High Court
see no objection, action
may kindly be taken by
the High Court to amend
order XXXIII of the First
~~Code of Procedure~~ Code Schedule

to the Code Of Civil procedure
as in force in Mysore
all ~~reference~~ the ~~Trustee~~
tees ~~for~~ ~~Trustee~~ Committee
observing the formalities
referred to in Sections
122, 124 & 126 of the
said Code

A Report of action
taken in matter may
kindly be furnished to GoI
in due Course

I have the

5716/42

R. O. C. No. 887/4243

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore, 17 February *1943.*

CS/345+42-1

FROM

N. SAMAIENGAR, Esq., B.A., LL.B.,
~~P. SHAMIENGAR, Esq., B.A., B.L.,~~
Registrar, High Court of Mysore.

SECT I — 17 FEB. 1943 — H. Port

To

C. NARAYANASWAMY NAIDU, Esq., B.A., B.L.,
Secretary to Government, Law Department,
B A N G A L O R E.

SIR,

With reference to your letter No.4907, dated 15 January 1943, suggesting that the High Court might take action to amend Order XXXIII of the First Schedule to the Code of Civil Procedure on the lines on which the British Indian Code has been amended by Act XXIV of 1942 of the Indian Legislature, I am directed to state that the question of adding a rule to Order XXXIII for the payment of Court-fee in a pauper-suit, which abates by the death of the Plaintiff, will be referred to the Rule Committee, but that the High Court has no power to provide for the other matter, viz. - the recovery of Court-fee in a pauper-suit as arrears of Land Revenue, by rule; and it should be done, if at all, by legislation.

I have the honour to be,

Sir,

Your most obedient servant,

N. Samaiengar

REGISTRAR.

328/P of 43.

R. O. C. No. 881/43

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore, 12 July *1943.*

CS/345-42-2

FROM

N. Samaiengar, Esq.,B.A.,LL.B.,
~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~
Registrar, High Court of Mysore.

REV. SECTT. M.C.B.R. JUL 1943

LEGY. LAW DEPT. MYSORE

TO

C. Narayanaswamy Naidu, Esq.,B.A.,B.L.,
Secretary to Government,
Law Department,
BANGALORE.

SIR,

In continuation of my letter R.O.C.No.881 of 1942-43, dated 17 February 1943 and with reference to your letter No.P.4907 dated 15 January 1943, I am directed to state that in accordance with the recommendation of the Rule Committee the Judges of the High Court propose to amend Order XXXIII of the First Schedule to the Code of Civil Procedure, 1911, as set out in the enclosure, so as to provide for recovery of court-fee in a pauper suit which abates by reason of the death of the Plaintiff.

The proposed amendments were published in the Mysore Gazette of 29 April 1943, and no objection nor any suggestion has been received.

I am to request that the Government may be pleased to accord sanction to the proposed amendment under Section 126 of the Code of Civil Procedure.

I have the honour to be,

S i r,

Your most obedient servant,

N. Samaiengar

REGISTRAR.

G. R. S. App. F VI—G. 2]

SUBJECT.....

.....

.....

Diary No. of letter replied to .....

Section Cds

File No. 345-43.

Serial No. 3

General and Revenue Secretariat

( )

the *19*

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue 16-8 .19

Read—

Signed by.....

Correspondence ending with letter No Roc 881/42-43 dy 12.7.1943 from the Registrar High Court of Mysore stating that the Judges of the High Court propose ~~Order thereon. No.~~ to amend Order XXIII of the First Schedule to the Code of Civil Procedure 1911 as set out in the enclosure so as to provide for recovery of

May this be—

(i) printed?

(ii) treated as a standing order?

(iii) published in the Gazette, English Part?

(iv) translated?

(v) placed at the disposal of the Press?

(vi) published in the Gazette, Kannada Part?

Court fee in a pauper
Suit which abates by
reason of the death of
the plaintiff and requesting
sanction thereto

order P 1113 Dt 16-8-43

Sanctioned.

Cys 6
10-

Secretary to Govt
Law Dept

To
The Registrar Hgh Court
of Mysore

(a) After Rule 11, the following rule shall be inserted, namely

"11-A. Where the suit abates by reason of the death of the Plaintiff or any person added as a co-plaintiff, the Court shall order that the amount of court-fees which would have been paid by the Plaintiff if he had not been permitted to sue as a pauper shall be recoverable by the Government from the estate of the deceased Plaintiff;

(b) in Rule 12 after the words and figure "or rule 11" the words, figure and letter "or rule 11-A" shall be added; and

(c) in Rules 13 and 14 after the word and figure "rule 11" and before the words and figure "or rule 12" - the words, figure and letter "or rule 11-A" shall be inserted.

GOVERNMENT OF INDIA

LEGISLATIVE DEPARTMENT

The following Act of the Indian Legislature received the assent of the Governor General on the 1st October, 1942, and is hereby promulgated for general information:—

ACT NO. XXV OF 1942.

An Act to repeal certain enactments and to amend certain other enactments.

WHEREAS it is expedient that the enactments specified in the First Schedule which are spent or have otherwise become unnecessary, or have ceased to be in force otherwise than by expressed specific repeal, should be expressly and specifically repealed;

AND WHEREAS it is expedient that certain amendments should be made in the enactments specified in the Second Schedule;

It is hereby enacted as follows

Short title.

1. This Act may be called the Repealing and Amending Act, 1942.

Repeal of certain enactments.

2. The enactments specified in the First Schedule are hereby repealed to the extent mentioned in the fourth column thereof.

Amendment of certain enactments.

3. The enactments specified in the Second Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

Savings.

4. The repeal by this Act of any enactment shall not affect any Act or Regulation in which such enactment has been applied, incorporated or referred to;

and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand or any indemnity already granted, or the proof of any past act or thing;

nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognised or derived by, in or from any enactment hereby repealed;

nor shall the repeal by this Act of any enactment revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

THE FIRST SCHEDULE.

REPEALS.

(*See* section 2.)

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
		Acts of the Central Legislature.	
1882	XII	The Indian Salt Act, 1882	Clause (c) in section 7.
1926	XVI	The Indian Trade Unions Act, 1926	Clauses (c) and (d) in section 14.
1937	II	The Indian Naval Armament (Amendment) Act, 1937.	The whole.
1937	III	The Land Customs (Amendment) Act, 1937.	Do.
1937	IV	The Indian Income-tax (Amendment) Act, 1937.	Do.
1937	V	The Indian Lac Cess (Amendment) Act, 1937.	Do.
1937	VII	The Workmen's Compensation (Amendment) Act, 1937.	Do.
1937	VIII	The Code of Civil Procedure (Amendment) Act, 1937.	Do.
1937	IX	The Code of Civil Procedure (Second Amendment) Act, 1937.	Do.
1937	X	The Indian Electricity (Amendment) Act, 1937.	Do.
1937	XI	The Indian Boilers (Amendment) Act, 1937.	Do.
1937	XII	The Contempt of Courts (Amendment) Act, 1937.	Do.
1937	XIII	The Indian Tea Cess (Amendment) Act, 1937.	Do.
1937	XIV	The Indian Limitation (Amendment) Act, 1937.	Do.
1937	XV	The Indian Army (Amendment) Act, 1937.	Do.
1937	XVI	The Code of Civil Procedure (Third Amendment) Act, 1937.	Do.
1937	XVII	The Indian Red Cross Society (Amendment) Act, 1937.	Do.
1937	XX	The Repealing and Amending Act, 1937.	Do.
1937	XXI	The Indian Tariff (Amendment) Act, 1937.	Do.
1937	XXII	The Payment of Wages (Amendment) Act, 1937.	Do.
1937	XXVII	The Indian Tariff (Second Amendment) Act, 1937.	Do.
1937	XXVIII	The Indian Securities (Amendment) Act, 1937.	Do.
1937	XXIX	The Indian Mines (Amendment) Act, 1937.	Do.
1938	I	The Repealing Act, 1938	Do.
1938	II	The Indian Companies (Amendment) Act, 1938.	Do.
1938	III	The Dangerous Drugs (Amendment) Act, 1938.	Do.
1938	VI	The Destructive Insects and Pests (Amendment) Act, 1938.	Do.

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1938	VII . .	The Child Marriage Restraint (Amendment) Act, 1938.	The whole.
1938	IX . .	The Workmen's Compensation (Amendment) Act, 1938.	Do.
1938	X . .	The Cutchi Memons Act, 1938 . .	Section 4.
1938	XII . .	The Durgah Khawaja Saheb (Amendment) Act, 1938.	The whole.
1938	XIV . .	The Sugar Industry Protection (Temporary Extension) Act, 1938.	Do.
1938	XV . .	The Indian Coffee Cess (Amendment) Act, 1938.	Do.
1938	XVI . .	The Indian Tariff (Amendment) Act, 1938.	Do.
1938	XVII . .	The Trade Disputes (Amendment) Act, 1938.	Do.
1938	XVIII .	The Delhi Joint Water Board (Amendment) Act, 1938.	Do.
1938	XIX . .	The Child Marriage Restraint (Second Amendment) Act, 1938.	Do.
1938	XXI . .	The Indian Emigration (Amendment) Act, 1938.	Do.
1938	XXII . .	The Indian Aircraft (Amendment) Act, 1938.	Do.
1938	XXIII. .	The Indian Tea Cess (Amendment) Act, 1938.	Do.
1938	XXV . .	The Prevention of Cruelty to Animals (Amendment) Act, 1938.	Do.
1938	XXVI .	The Employment of Children Act, 1938	Section 8.
1939	I . .	The Indian Tariff (Amendment) Act, 1939.	The whole.
1939	II . .	The Ajmer-Merwara Municipalities Regulation (Amendment) Act, 1939.	Do.
1939	III . .	The Destructive Insects and Pests (Amendment) Act, 1939.	Do.
1939	V . .	The Indian Cotton Cess (Amendment) Act, 1939.	Do.
1939	VI . .	The Indian Merchant Shipping (Amendment) Act, 1939.	Do.
1939	VII . .	The Indian Income-tax (Amendment) Act, 1939.	Do.
1939	VIII . .	The Dissolution of Muslim Marriages Act, 1939.	Section 6.
1939	X . .	The Indian Merchant Shipping (Second Amendment) Act, 1939.	The whole.
1939	XI . .	The Insurance (Amendment) Act, 1939	Do.
1939	XII . .	The Indian Patents and Designs (Amendment) Act, 1939.	Do.
1939	XIII . .	The Workmen's Compensation (Amendment) Act, 1939.	The proviso to sub-section (2) of section 1 and section 2.
1939	XIV . .	The Cotton Ginning and Pressing Factories (Amendment) Act, 1939.	The whole.
1939	XV . .	The Employment of Children (Amendment) Act, 1939.	Do.
1939	XVII . .	The Indian Succession (Amendment) Act, 1939.	Do.
1939	XVIII .	The Indian Tariff (Second Amendment) Act, 1939.	Do.
1939	XX . .	The Sugar Industry (Protection) Act, 1939.	Do.

Year.	No.	Short title.	Extent of repeal.
1	2	3	
1939	XXI . .	The Chittagong Port (Amendment) Act, 1939.	The whole.
1939	XXII . .	The Criminal Law Amendment Act, 1939.	Do.
1939	XXV . .	The Indian Salt (Amendment) Act, 1939.	Do.
1939	XXVI .	The Code of Civil Procedure (Amendment) Act, 1939.	Do.
1939	XXVII .	The Indian Tea Cess (Amendment) Act, 1939.	Do.
1939	XXIX .	The Indian Tariff (Fourth Amendment) Act, 1939.	Section 2.
1939	XXXI .	The Indian Carriage by Air (Amendment) Act, 1939.	The whole.
1939	XXXII .	The Indian Rubber Control (Amendment) Act, 1939.	Do.
1939	XXXIII .	The Indian Railways (Amendment) Act, 1939.	Do.
1939	XXXIV .	The Repealing and Amending Act, 1939.	Do.
1939	XXXVII .	The Indian Aircraft (Amendment) Act, 1939.	Do.
1939	XXXVIII .	The Panth Piploda Courts (Amendment) Act, 1939.	Do.
1939	XXXIX .	The Indian Oaths (Amendment) Act, 1939.	Do.
1939	XL . .	The Motor Vehicles (Amendment) Act, 1939.	Do.
1939	XLI . .	The Insurance (Second Amendment) Act, 1939.	Do.
		Acts of the Governor General.	
1937		The Indian Finance Act, 1937 . .	In the long title and preamble, the words and figures commencing " to fix the duty on salt " and ending " Indian Post Office Act, 1898, and ".
			Sections 2, 3, 4, 5 and 6 and the Schedule.
1938		The Indian Finance Act, 1938	In the long title and preamble, the words and figures commencing " to fix the duty on salt " and ending " Indian Post Office Act, 1898, and ".
			Sections 2 and 3 and the Schedule.
1939		The Indian Finance Act, 1939	In the long title and preamble, the words and figures commencing " to fix the duty on salt " and ending " Indian Post Office Act, 1898, and ".
			Sections 2, 3, 4 and 5 and Schedule I.

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1939		The Indian Tariff (Third Amendment) Act, 1939.	The whole.
1939		The Indian Naval Reserve Forces (Discipline) Act, 1939.	Section 8.
		Regulations made by the Governor General in Council.	
1937	I . .	The Sonthal Parganas Justice (Amendment) Regulation, 1937.	The whole.
1937	II . .	The Sonthal Parganas Rent (Amendment) Regulation, 1937.	Do.
1937	III . .	The Sonthal Parganas Settlement (Amendment) Regulation, 1937.	Do.
1937	VI . .	The Orissa Laws (Amendment) Regulation, 1937.	Do.
1937	IX . .	The Khondmals Laws (Amendment) Regulation, 1937.	Do.
1937	X . .	The Angul Laws (Amendment) Regulation, 1937.	Do.
		Regulations made by the Governor General.	
1939	I	The Andaman and Nicobar Islands Fisheries (Amendment) Regulation, 1939.	Do.
1939	III	The British Baluchistan Laws (First Amendment) Regulation, 1939.	Do.
1939	IV	The British Baluchistan Frontier Crossing Regulation, 1939.	Sub-section (*1*) of section 8.
1939	V	The British Baluchistan Laws (Second Amendment) Regulation, 1939.	The whole.
1939	VI	The British Baluchistan Criminal and Civil Justice and Laws Extension Regulation, 1939.	Sections 2, 3 and 4.
1939	VII	The British Baluchistan Courts Regulation, 1939.	Section 40.

Year.	No.	Short title.	Amendments.
1	2	3	4
			(*b*) in sub-rule (*2*), for the words "the Central Government or the Provincial Government, as the case may be" the words "the appropriate Government" shall be substituted; (*c*) in sub-rule (*3*), for the words "the Central Government or the Provincial Government", in both places where the words occur, the words "the appropriate Government" shall be substituted; (*d*) after sub-rule (*3*) the following Explanation shall be added, namely:— '*Explanation*.—In this rule "appropriate Government" means— (*i*) as respects any public officer in the service of the Central Government, or any servant of a Federal Railway or of a cantonment authority or of the port authority of a major port, the Central Government; (*ii*) as respects any public officer employed in connection with the exercise of the functions of the Crown in its relations with Indian States, the Crown Representative; and (*iii*) as respects any other public officer or a servant of any other railway or local authority, the Provincial Government.'
1922	XI	The Indian Income-tax Act, 1922.	At the end of clause (*gg*) in section 54 (*3*) the word "or" shall be inserted.
1925	XIX	The Provident Funds Act, 1925	In clause (*d*) of section 2, for the words "its employees" the words "persons in the service of the Crown" shall be substituted.
1934	XXXIV.	The Indian Navy (Discipline) Act, 1934.	In section 53 of the Naval Discipline Act as set out in the First Schedule to the Indian Navy (Discipline) Act, 1934,— (*i*) in clause (*1*), for the words "shall not be exercisable by the Provincial Government" the words "shall be exercisable by the Central Government and not by the Provincial Government" shall be substituted; (*ii*) in clause (*2*), the words "and hard labour, or either of them"

Year.	No.	Short title.	Amendments.
1	2	3	4
1938	IV	The Insurance Act, 1938	In the heading preceding, the marginal note to, and sub-section (*4*) of, section 33, for the word "inspection", the word "investigation" shall be substituted. In sub-section (*3*) of section 82, for the words, brackets and figure "sub-section (*1*) of this sub-section" the words, brackets and figure "sub section (*1*) of this section" shall be substituted.
940	X	The Arbitration Act, 1040	In section 46, after the figure "12" the figure ", 36" shall be inserted.
1941	XII	The Delhi Restriction of Uses of Land Act, 1941.	In the proviso to sub-section (*2*) of section 8, for the brackets and figure "(*4*)" the brackets and figure "(7)" shall be substituted.
1942	XIX	The Industrial Statistics Act, 1942.	In section 8, for the words "to a further fine" the words "with a further fine" shall be substituted.
		Act of the Lieutenant-Governor of Bengal in Council.	
1890	III	The Calcutta Port Act, 1890	In section 5, for clauses (*v*) and (*vii*) the following clauses shall be substituted, respectively, namely :— "(*v*) The General Manager, Bengal and Assam Railway, *ex-officio*"; "(*vii*) The Principal Officer, Mercantile Marine Department, Calcutta District, *ex-officio*, and".
		Act of the Governor of Bengal in Council.	
	V	The Chittagong Port Act, 1914.	For the words "Assam-Bengal Railway" and "Assam-Bengal Railway Company", wherever they occur, the words "Bengal and Assam Railway" shall be substituted.
		Regulation made by the Governor General in Council.	
	VII	The Assam Forest Regulation, 1891.	In sub-section (*3*) of section 37, the words "in the province" shall be omitted.

GOVERNMENT OF INDIA

LEGISLATIVE DEPARTMENT

The following Act of the Indian Legislature received the assent of the Governor General on the 1st October, 1942, and is hereby promulgated for general information:—

ACT NO. XXVI OF 1942.

An Act to confer supplemental powers on the Federal Court.

WHEREAS it is expedient to confer certain supplemental powers on the Federal Court

It is hereby enacted as follows:—

Short title. 1. This Act may be called the Federal Court (Supplemental Powers) Act, 1942.

Power to delegate duties. 2. The Federal Court shall have power to delegate to the Registrar of the Court or any other official of the Court, by name or generally by designation, any judicial, quasi-judicial and non-judicial duties and the Registrar or such official in the discharge of any such delegated duties shall have power to administer oaths.

G. H. SPENCE,
Secy. to the Govt. of India.

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Separate paging is given to this Part in order that it may be filed as a separate compilation

PART IV

Acts of the Indian Legislature assented to by the Governor General

GOVERNMENT OF INDIA

LEGISLATIVE DEPARTMENT

The following Act of the Indian Legislature received the assent of the Governor General on the 1st October, 1942, and is hereby promulgated for general information:—

ACT No. XXI OF 1942.

An Act further to amend the Indian Companies Act, 1913.

WHEREAS it is expedient further to amend the Indian Companies Act, 1913, for the purpose hereinafter appearing;

It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Indian Companies (Second Amendment) Act, 1942.

(*2*) It shall come into force on such date (not earlier than one year from the date of its publication in the official Gazette after having received the assent of the Governor General) as the Central Government may, by notification in the official Gazette, appoint in this behalf.

Amendment of section 277 F, Act VII of 1913.

2. To section 277F of the Indian Companies Act, 1913, the following proviso shall be added, namely:—

'Provided that any company which uses as part of the name under which it carries on business the word "bank", "banker" or "banking" shall be deemed to be a banking company notwithstanding that the accepting of deposits of money on current account or otherwise, subject to withdrawal by cheque, draft or order, is not, or is not shown to be, the principal business of the company.'

G. H. SPENCE,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA

LEGISLATIVE DEPARTMENT

The following Act of the Indian Legislature received the assent of the Governor General on the 1st October, 1942, and is hereby promulgated for general information:—

ACT NO. XXII OF 1942.

An Act temporarily to amend the Indian Rubber Control Act, 1934.

WHEREAS it is expedient temporarily to amend the Indian Rubber Control Act, 1934, for the purpose hereinafter appearing; XXVIII of 1934.

It is hereby enacted as follows:—

Short title.

1. This Act may be called the Indian Rubber Control (Temporary Amendment) Act, 1942.

Temporary amendment of section 45, Act XXVIII of 1934.

2. During the continuance of the present hostilities and for a period of six months thereafter, sub-section (*1*) of section 45 of the Indian Rubber Control Act, 1934, XXVIII of 1934. shall have effect as if—

(*a*) after the words "operation of all" the words "or any of" had been inserted, and

(*b*) the words "except those relating to the planting and export of rubber plants" had been omitted.

G. H. SPENCE,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA

LEGISLATIVE DEPARTMENT

The following Act of the Indian Legislature received the assent of the Governor General on the 1st October, 1942, and is hereby promulgated for general information:—

ACT NO. XXIII OF 1942.

An Act further to amend the Code of Civil Procedure, 1908.

WHEREAS it is expedient further to amend the Code of Civil Procedure, 1908, for the purposes hereinafter appearing; V of 1908.

It is hereby enacted as follows:—

Short title.

1. This Act may be called the Code of Civil Procedure (Amendment) Act, 1942.

Amendment of First Schedule, Act V of 1908.

V of 1908.

2. In the First Schedule to the Code of Civil Procedure, 1908, after Order XXVII, the following Order shall be inserted, namely :—

"ORDER XXVIIA.

Suits involving a substantial question of law as to the interpretation of the Government of India Act, 1935, or any Order-in-Council made thereunder.

26 Geo. 5 c. 2.

Notice to the Advocate-General.

1. In any suit in which it appears to the Court that a substantial question of law as to the interpretation of the Government of India Act, 1935, or any Order-in-Council made thereunder is involved, the Court shall not proceed to determine that question until after notice has been given to the Advocate-General of India if the question of law concerns the Central Government and to the Advocate-General of the Province if the question of law concerns a Provincial Government.

26 Geo. 5, c. 2.

Court may add Government as party.

2. The Court may at any stage of the proceedings order that the Central Government or a Provincial Government shall be added as a defendant in any suit involving a substantial question of law as to the interpretation of the Government of India Act, 1935, or any Order-in-Council made thereunder if the Advocate-General of India or the Advocate-General of the Province as the case may be, whether upon receipt of notice under rule 1, or otherwise, applies for such addition and the Court is satisfied that such addition is necessary or desirable for the satisfactory determination of the question of law involved.

Costs.

3. Where under rule 2 Government is added as a defendant in a suit, the Advocate-General or the Government shall not be entitled to or liable for costs in the Court which ordered the addition unless the Court having regard to all the circumstances of the case for any special reason otherwise orders.

Application of Order to appeals.

4. In the application of this Order to appeals the word 'defendant' shall be held to include a respondent and the word 'suit' an appeal."

GOVERNMENT OF INDIA

LEGISLATIVE DEPARTMENT

The following Act of the Indian Legislature received the assent of the Governor General on the 1st October, 1942, and is hereby promulgated for general information:—

ACT NO. XXIV OF 1942.

An Act further to amend the Code of Civil Procedure, 1908.

WHEREAS it is expedient further to amend the Code of Civil Procedure, 1908, for the purposes hereinafter appearing; V of 1908.

It is hereby enacted as follows:—

Short title.

1. This Act may be called the Code of Civil Procedure (Second Amendment) Act, 1942.

Amendment of Order XXXIII, Act V of 1908.

2. In Order XXXIII in the First Schedule to the Code of Civil Procedure, 1908,— V of 1908.

(*a*) after rule 11, the following rule shall be inserted, namely:—

Procedure where pauper suit abates.

"11A. Where the suit abates by reason of the death of the plaintiff or of any person added as a co-plaintiff the Court shall order that the amount of court-fees which would have been paid by the plaintiff if he had not been permitted to sue as a pauper shall be recoverable by the Provincial Government from the estate of the deceased plaintiff.'

(*b*) in rule 12, for the words and figure "or rule 11" the words, figures and letter "rule 11 or rule 11A" shall be substituted;

(*c*) in rule 13, after the word and figure "rule 11" the word, figure and letter "rule 11A" shall be inserted;

(*d*) for rule 14, the following rule shall be substituted, namely:—

"14. Where an order is made under rule 10, rule 11 or rule 11A the Court shall forthwith cause a copy of the decree or order to be forwarded to the Collector, who may, without prejudice to any other mode of recovery, recover the amount of court-fees specified therein from the person or property liable for the payment as if it were an arrear of land revenue."